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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,596	09/12/2001	Anton Gunzinger	FREI P033US-2	8857
21121	7590	03/21/2005	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			ART UNIT	PAPER NUMBER

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

ART UNIT	PAPER
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20050316

DATE MAILED:

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Commissioner for Patents

See attachment

1. The Appeal Brief filed on December 23, 2004 is defective because it is unsigned (37 CFR 1.33). A ratification properly signed is required.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

2. Additionally, appellant is reminded of the provisions of 37 CFR § 1.52 (b)(2)(i) which generally requires that papers filed in patent applications be 1 and 1/2 or double spaced. Applicant's brief has been filed as single spaced. Appropriate correction is required.

3. Additionally, applicant's submitted brief fails to comply with the requirements of the Rules of Practice before the Board of Patent Appeals and Interferences, 69 Fed. Reg. 49959 (August 12, 2004) (final rule). 41.37 (c)(1) requires that the various portions of the appeal brief be placed "under appropriate headings". At best, applicant's brief has the various sections placed "beside" not "under" (beneath, below) the appropriate headings.


Additionally 41.37 (c)(1)(vii) requires that "Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number." Applicant has subheadings that introduce the text of claims, but it is unclear if this heading is a heading for a separate argument or simply an introduction of each claim. Appropriate correction is required.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (571) 272-4165. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (571) 272-4162. The fax phone number for the USPTO is: (703)872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Richard Ellis
March 16, 2005



RICHARD L. ELLIS
PRIMARY EXAMINER